

BILL ANALYSIS

Senate Research Center

S.B. 1704
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Jurisprudence
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Enrolled

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Currently, minorities are underrepresented on Texas juries. Latinos, for example, comprise approximately 30 percent of the population of Dallas and Harris counties, but comprise only about 10 percent of the jury venires. This puts many Texas jurisdictions in danger of constitutional challenges for violation of the Sixth Amendment of the United States Constitution, which states that jury venires must reflect representative cross-sections of the community.

The primary reason cited for these disparities is that, at \$6 a day for jury service, Texas pays jurors the lowest rate in the country. This makes it difficult for minority and low-income workers to participate in the jury process. Texas also contributes no state funds to jury pay.

Many states require that jurors be paid \$50 a day. Thirty-six states require that individuals be paid at least \$20 a day. Twenty-three states, including California and New York, contribute 100 percent of the funds for jury pay.

S.B. 1704 requires jurors to be paid a minimum of \$40 per day, after the first day of service, provides for state reimbursement to counties for juror reimbursement, and provides for the funding of juror reimbursement through court costs. It also adds provisions regarding failure to answer a jury summons and postponement of jury service.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 61.001(a), Government Code, to entitle each grand juror or petit juror in a civil or criminal case in certain courts to receive as reimbursement for travel and other expenses an amount not less than \$6 for the first day or fraction of the first day served as a juror and not less than \$40 for each day or fraction of a day served as a juror after the first day, rather than not less than \$6 nor more than \$50 for each day or fraction of a day served as a juror.

SECTION 2. Amends Chapter 61, Government Code, by adding Section 61.0015, as follows:

Sec. 61.0015. REIMBURSEMENT TO COUNTY. (a) Requires the state to reimburse a county \$34 a day for the reimbursement paid to a grand juror or a petit juror under Section 61.001 for each day or fraction of a day served as a juror after the first day.

(b) Authorizes the commissioners court of a county entitled to reimbursement under this section to file a claim for reimbursement with the comptroller.

(c) Requires the comptroller of public accountants (comptroller) to pay claims for reimbursement under this section quarterly to the county treasury of each county that filed a claim from money collected under Article 102.0045, Code of criminal Procedure, and deposited in the jury service fund.

(d) Requires the comptroller, if sufficient money described by Subsection (c) is not available to satisfy claims for reimbursement filed by the counties under this

section, to apportion the available money among the counties by reducing the amount payable to each county on an equal percentage basis.

(e) Requires the comptroller to take certain actions, if a payment on a county's claim for reimbursement is reduced under Subsection (d), or if a county fails to file the claim for reimbursement in a timely manner.

SECTION 3. Amends Section 62.0141, Government Code, to provide that a person who knowingly provides false information in a request for an exemption or to be excused from jury service is subject to a contempt action punishable by a fine.

SECTION 4. Amends Subchapter A, Chapter 62, Government Code, by adding Section 62.0142, as follows:

Sec. 62.0142. POSTPONEMENT OF JURY SERVICE. (a) Authorizes a person summoned for jury service to request a postponement of the person's initial appearance for jury service. Authorizes the person to request the postponement by certain methods before the date on which the person is summoned to appear.

(b) Requires the clerk of the court, upon receipt of a request for postponement, to grant the postponement if the person has not been granted a postponement in that county during the one-year period preceding the date on which the person is summoned to appear and the person and the clerk determine a substitute date on which the person will appear for jury service that is not later than six months after the date on which the person was originally summoned to appear.

(c) Authorizes a person who receives a postponement under Subsection (b) to request a subsequent postponement in the manner described by Subsection (a). Authorizes the clerk of the court to approve the subsequent postponement only because of an extreme emergency that could not have been anticipated. Requires the person and the clerk, before the clerk may grant the subsequent postponement, to determine a substitute date on which the person will appear for jury service that is not later than six months after the date on which the person was to appear after the postponement under Subsection (b).

SECTION 5. Amends Subchapter A, Chapter 102, Code of Criminal Procedure, by adding Article 102.0045, as follows:

Art. 102.0045. FEE FOR JURY REIMBURSEMENT TO COUNTIES. (a) Requires a person convicted of any offense, except offenses relating to a pedestrian or the parking of a motor vehicle, to pay as a court cost, in addition to all other costs, a fee of \$4 to be used to reimburse counties for the cost of juror services as provided by Section 61.0015, Government Code.

(b) Requires the clerk of the court to remit the fees collected under this article to the comptroller in the manner provided by Subchapter B (Reporting, Collection, and Remittance of Fees), Chapter 133, Local Government Code. Requires the comptroller to deposit the fees in the jury service fund.

(c) Provides that the jury service fund is created in the state treasury. Requires the comptroller to transfer the amount in excess of \$10 million to the fair defense account if, at any time, the unexpended balance of the jury service fund exceeds \$10 million.

(d) Provides that fees deposited in the jury service fund under this section are exempt from the application of Section 403.095 (Use of Dedicated Revenue), Government Code.

SECTION 6. Amends Section 102.021, Government Code, to require a person convicted of an offense to pay, in addition to all other costs, a \$4 court cost on conviction of any offense, other than a conviction of an offense relating to a pedestrian or the parking of a motor vehicle.

SECTION 7. Amends Section 133.003, Local Government Code, to provide that this chapter (Criminal and Civil Fees Payable to the Comptroller) applies to certain criminal fees.

SECTION 8. Provides that Section 51.607 (Implementation of New or Amended Court Costs), Government Code, does not apply to court costs or fees imposed under this Act.

SECTION 9. (a) Makes application of the changes in law made by Sections 3 and 4 of this Act prospective to a person summoned to appear for jury service who is required to appear on or after September 1, 2005.

(b) Makes application of Article 102.0045, Code of Criminal Procedure, as added by this Act, prospective to September 1, 2005.

SECTION 10. (a) Effective date, except as provided by Subsection (b): September 1, 2005.

(b) Effective date of Sections 1 and 2 of this Act: January 1, 2006.